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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,945	02/28/2002	Shawn R. Gettemy	035451-0174 (3720.Palm)	4360

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EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,945

Applicant(s)

GETTEMY ET AL.

Examiner

Amare Mengistu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-22,24,25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-22,24,25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the “the visula display unit being useable in a compact state when attached”** (claim 1), **“a visual display unit in a compact state wherein layers of the display are folded over each other when coupled to a handheld computer”** (claim 28); **“a transparent shutter layer”** (claim 15) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

3. The phrases of claims 14 and 15 respectively “**partially transparent**” and “**transparent shutter layer**”.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2,4-22,24-25,28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 7 of copending Application No. 09/996,149. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application of '149 did not explicitly disclose a processing unit having a first communication port. However, it would have been obvious to one skill in the art at the time of the invention was made to have recognize that the copending application '149 has a processing unit and first communication port in order to communicate remotely with the flexible electronic display.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

5. Claim 24 is objected to because of the following informalities: claim 24 is not examined since it depends on cancelled claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The recitation of claim 1, lines 8-9 "***the display system can be expanded from the compact state to present large visual display size***" is not clear. How can it be possible for display system to have a large display size, since the visual display unit is the one which is in a compact state. The visual display unit should be expanded from compact to large size.

The phrase of claim 1, last line "***the visual display is separated from the processing unit***" is confusing. The visual display unit is one which should be separated and not the visual display (see, line 4 of claim 1 "a visual display unit is separable...").

The recitation of claim 15 "***a transparent shutter layer***" is not clear. What does a transparent shutter mean? How can a display have a transparent shutter layer? Please explain.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before

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the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1,2,4-7,8-14,16,21,22,25,28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gettemy et al** (2003/0098857 A1)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1, 7 and 11, **Gettemy et al.** Discloses a display system for a handheld computing device, the display system comprising: a processing unit having a first communication port (fig.1 (100), (130)); and a visual display unit separable from the processing unit (fig.1 (140)), the visual display unit including being useable in a compact state when attached to the processing unit ([0008];[0009];also see Fig.7), having a visual display unit including: a visual display (fig.1 (140)); and a second communication port (fig.1 (155)), wherein the display system can be expanded from a compact state to present a larger visual display size (see, figs. 8 and 9), the first communication port providing communication with the second communication port when the visual display is separated from the processing unit ([0030]).

In regard to claims 16,28, **Gettemy et al** also discloses a handheld computing device comprising (fig.1 (100)): a processor (it is inherent for the handheld computer (fig.1 (100) to have a processor); a first communications port attached to the handheld computing device (fig.1 (130)); an information storage system (it is inherent for the handheld computer (fig.1 (100) to have a storage); and a visual display unit detachable from the handheld computing device, (fig.1 (140)) including: a visual display (fig.1 (140)), and a second communication port coupled to the visual display (fig.1 (155)) and communicating with the first communication port wherein the visual display unit can be expanded from a compact state ([0030]), wherein layers of the display are folded over each other, and the visual display unit is useable in the compact state when attached to the handheld computer device (see, figs.7-9).

As to claim 2, **Gettemy et al.** also teaches that the visual display unit can be folded or rolled to facilitate storage in a compact state (fig.7 (710)).

In regard to claims 4 and 25, **Gettemy et al.** discloses a that the handheld computing device includes a support apparatus to anchor and support the visual display unit while it is in use ([0010]).

As to claim 5, **Gettemy et al.** teaches that the first communication port is housed in a first connection housing attached to the processing unit (fig.1 (130)) that mates with the second communication port housed in a second connection housing attached to the visual display unit (fig.1 (155)).

In regard to claim 6, **Gettemy et al.** discloses that the first connection housing attached to the processing unit mates with the second connection housing

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attached to the visual display unit to support and anchor the visual display unit to facilitate viewing (see, [0010],[0028] also see, figs. 8 and 9).

As to claims 8 and 21, **Gettemy et al.** teaches that the visual display unit includes a bi-stable visual display ([0025][0026][0031]).

As to claim 9, **Gettemy et al.** also discloses that visual display is implemented using e-paper technology ([0025])

In regard to claims 10 and 22, **Gettemy et al.** further teaches that the visual display unit includes a power source to power the visual display unit to display data while the visual display unit is separated from the processing unit (fig.1 (170)).

As to claim 12, **Gettemy et al.** also teaches the visual display unit includes a navigation apparatus to allow the user to access data stored in the memory associated with the display system ([0024], fig.2 (210)).

In regard to claim 13, **Gettemy et al.** suggests that the first and second communication ports include wireless transceivers (see, [0030]).

As to claim 14, **Gettemy et al.** discloses that the visual display is at least partially transparent ([0026]).

As to claim 20, **Gettemy et al.** states that an information is displayed on the visual display while the display unit is detached from the handheld computing device ([0011],[0028]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gettemy et al.** in view of **Oliwa et al (4,856,088)**.

As to claims 17-19, **Gettemy et al.** discloses a handheld computer device including a visual display (fig.1 (140)) having a memory (fig.1 (160)) and a processor (fig.1 (150)). **Gettemy et al.** has failed to teach that the memory is a RAM memory. **Oliwa et al** is cited to teach that it is well known for a display device to have a RAM (see, fig.2 (50), col.3, lines 58-59 "the updated contents of memory 48 are copied into memory 50").

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to substitute the RAM memory of **Oliwa et al** with the memory system of **Gettemy et al.** since this is an alternative way of storing information to be displayed for the future use.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gettemy et al.** in view of **Morrison et al (2002/0154382 A1)**.

In regard to claim 15, **Gettemy et al.** discloses a visual display but does not teach that the display having a transparent shutter layer. However, the patent

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of **Morrison et al** clearly teaches that it is conventional for a display system to use a transparent shutter layer (see, [0029], [0034],[0035]).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have used the shutter layer of **Morrison et al** into the display system of **Gettemy et al**. because this could be used in conjunction with any known type of electro-optic medium to increase the number of display sates which can be obtained from each pixel of the electro-optic medium.

Response to Arguments

14. Applicant's arguments with respect to claims 1,2,4-22,24,25,28 have been considered but are moot in view of the new ground(s) of rejection.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (571) 272-7674. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3639. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amare Mengistu
Primary Examiner
Art Unit 2629

Amengistu

April 11, 2006